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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/352,562	07/13/1999	JAMES WATT	1400.4100221	2431

24228 7590 08/01/2002

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EXAMINER

EMDADI, KAMRAN

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 08/01/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.



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7590

07/18/2002

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CHICAGO, IL 60604

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<b>Office Action Summary</b>	Application No. 09/352,562	Applicant(s) WATT ET AL.	
	Examiner Kamran Emdadi	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 July 1999.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/13/99 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |                                                                                                 |                                                                             |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Specification***

2. This application does not have updated information relating to co-pending applications cited in page 1, such as US serial number.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-7, 9-22, and 24-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Pitcher (US Patent No. 6370142).

- Regarding claim 1, Pitcher teaches: forwarding multicast packets by a forwarding engine, where the forwarding engine evaluates the destination address to forward the data packets based on information found in the packets (Col 9, lines 16-21), control information is found in the packets (Col 14, line 38).
- Regarding claims 2-5, Pitcher teaches: all members of a group providing identification information (Abstract), where there is interfacing to forwarding engines (Col 2, lines 38-43), the switch can update information in its report destination list (Col 7, lines 15-20), and a query as to whether or not a router is present (Col 7, lines 23-26).
- Regarding claim 6, Pitcher teaches: a forwarding engine can use a forwarding table to determine routing information, and the routing information is seen by at least one member of the group as compared to the viewable registration of the group members that are known to the forwarding engine (Col 9, lines 52-62).
- Regarding claims 7 and 9, Pitcher teaches: control information used for packet transfer (Col 18, lines 4-9) and control information regarding individual packet configuration (Col 14, lines 37-41).

- Regarding claims 10 and 11, Pitcher teaches the flow of data from forwarding engines (Col 13, lines 40-44)
- Regarding claims 12-17, Pitcher teaches of the same type of configuration as described above where a processor shown as a circuit having memory that carries out the invention's functionality as described above, 310 (figure 9). The route computation engine is inherent within the teachings above as a router is a route computation engine, which is included in the invention's forwarding of data process as described above.
- Regarding claims 18-22, 24 and 25, Pitcher teaches of a processor having memory that carries out the invention's functionality as described above, 310 (figure 9).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- Claims 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pitcher (US Patent No. 6370142) in view of Batz (US Patent No. 5918022).

- Regarding claims 8 and 23, Pitcher teaches of a packet data being forwarded to different forwarding engines and routers but fails to teach of a tunneling data type, Batz teaches of a network where protocols are tunneling data between routers (Col 6, lines 42-45) to ensure reliable identification of the packets being sent. Therefore it would have been obvious to one skilled in the art at the time the invention was made to have included tunneling as a process used in packet transfer to ensure more reliable data packet identification for routers.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamran Emdadi whose telephone number is (703) 305-4899. The examiner can normally be reached between the hours of 8am and 5pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached at (703) 305-4366. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9314 for regular communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Kamran Emdadi

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07/12/2002

  
**RICKY NGO**  
**PRIMARY EXAMINER**